

California Regional Water Quality Control Board  
Santa Ana Region

Order No. R8-2004-0055  
NPDES No. CAG018001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR CONCENTRATED ANIMAL  
FEEDING OPERATIONS (DAIRIES AND RELATED FACILITIES) WITHIN THE SANTA  
ANA REGION

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board), finds that:

1. On August 20, 1999, the Regional Board adopted Order No. 99-11, General Waste Discharge Requirements For Concentrated Animal Feeding Operations (Dairies and Related Facilities) Within The Santa Ana Region, NPDES No. CAG018001.
2. 40 CFR 122.28 allows the issuance of general permits to regulate discharges of wastes that meet certain criteria. Order No. 99-11 satisfied the following criteria cited in 40 CFR 122.28 and, as such, was adopted as a general National Pollutant Discharge Elimination System (NPDES) Permit:
  - a. Waste discharges involving the same or substantially similar types of operations;
  - b. Discharge the same types of wastes;
  - c. Require the same or similar operating conditions;
  - d. Require the same or similar monitoring; and
  - e. Are more appropriately regulated under a general permit rather than individual permits.
3. Order No. 99-11 expedited the preparation of waste discharge requirements, and thus allowed the Regional Board to better utilize staff resources.
4. Order No. 99-11 expired on August 1, 2004 (Provision 3 of Order No. 99-11 stated that Order No. 99-11 shall continue in full force until a new general permit is issued). There are approximately 254 active concentrated animal feeding operations (CAFOs) in the Santa Ana Region. The CAFOs currently enrolled under Order No. 99-11, or in the process of enrolling under Order No. 99-11, will want to continue to discharge wastes. Therefore, it is necessary to renew the waste discharge requirements contained in Order No. 99-11.
5. On February 12, 2003, the United States Environmental Protection Agency (USEPA) published revisions to its Clean Water Act (CWA) regulations for CAFOs. The references to 40 CFR 122, 123, and 412 below incorporate the revisions that are part of the final rule.

6. 40 CFR 122.23 defines an animal feeding operation (AFO) as an operation where animals have been, are, or will be confined and fed for a total of 45 days or more in any 12-month period, and where vegetation is not sustained in the confinement area. An AFO is considered a CAFO based on either a facility's animal population or, regardless of population, if it is determined to be a significant contributor of pollutants to waters of the United States by the appropriate authority. The Regional Board (an appropriate authority) has determined that all dairies, heifer ranches, and calf nurseries within the Region shall be designated CAFOs due to their contribution of pollutants to the Santa Ana River and San Jacinto River (both waters of the United States).
7. Persons discharging, or proposing to discharge, dairy wastes or other similar kinds of wastes from an existing dairy or related facility in any manner that may affect water quality are hereinafter referred to as "discharger" and may obtain coverage under this general permit. Persons discharging, or proposing to discharge, wastes from other types of animal feeding operations must obtain coverage under a separate general permit or individual waste discharge requirements. Persons proposing to discharge wastes from construction of a new dairy or related facility must obtain coverage under individual waste discharge requirements.
8. The Regional Board adopted a revised Water Quality Control Plan (Basin Plan) on March 11, 1994. The Basin Plan became effective on January 24, 1995. The Basin Plan specifies beneficial uses and water quality objectives for surface and ground waters in the Santa Ana Region (Chapters 3 and 4). This Order specifies requirements necessary to meet the water quality objectives and to protect the beneficial uses.
9. The existing and potential beneficial uses of the various surface waters that could be impacted by the discharge of dairy wastes in the Santa Ana Region include one or more of the following:
  - a. Municipal and Domestic Supply,
  - b. Agricultural Supply,
  - c. Industrial Service Supply,
  - d. Industrial Process Supply,
  - e. Groundwater Recharge,
  - f. Hydropower Generation,
  - g. Water Contact Recreation,
  - h. Non-contact Water Recreation,
  - i. Warm Freshwater Habitat,
  - j. Limited Warm Freshwater Habitat,

- k. Cold Freshwater Habitat,
  - l. Preservation of Biological Habitats of Special Significance,
  - m. Wildlife Habitat,
  - n. Marine Habitat,
  - o. Shellfish Harvesting,
  - p. Estuarine Habitat,
  - q. Rare, Threatened or Endangered Species, and
  - r. Spawning, Reproduction, and Development.
10. The existing and potential beneficial uses of groundwater that could be impacted by the discharge of dairy wastes within the Santa Ana Region include one or more of the following:
- a. Municipal and Domestic Supply,
  - b. Agricultural Supply,
  - c. Industrial Service Supply, and
  - d. Industrial Process Supply
11. On January 22, 2004, the Regional Board adopted Resolution No. R8-2004-0001 which amended the existing Basin Plan for the Santa Ana River Basin. The amendments to the Basin Plan will become effective upon approval by the Office of Administrative Law (OAL) and USEPA (expected by December 2004). The amendments incorporate an updated Total Dissolved Solids (TDS) and Nitrogen Management Plan for the Santa Ana Region, which include revised groundwater subbasin boundaries (groundwater management zones), revised TDS and nitrate-nitrogen quality objectives for groundwater, and revised TDS and nitrogen wasteload allocations, revised reach designations, TDS and nitrogen objectives and beneficial uses for specific surface waters.
12. Revised regulations governing discharges from CAFOs, including dairies, are contained in Division 2, Title 27 of the Combined State Water Resources Control Board/California Integrated Waste Management Board AB 1220 Regulations, which became effective on July 18, 1997. Chapter 7, Subchapter 2 (Article 1) contains requirements for Confined Animal Facilities. Previously, these regulations were specified in Chapter 15, Division 3, Article 6, Title 23 of the California Code of Regulations.

13. Section 402(p) of the CWA as amended by the Water Quality Act of 1987 and the related regulations published by the USEPA on November 16, 1990 (40 CFR Parts 122, 123 and 124), requires a NPDES permit for pollutant discharges from CAFOs. The USEPA's Effluent Guidelines and Standards for CAFOs are contained in 40 CFR Part 412 (revised February 12, 2003).
14. Wastes from CAFOs contain high concentrations of salts (total dissolved solids, including nitrates). The application of manure or the discharge of process wastewater<sup>1</sup> to land results in the discharge of salts that has adversely impacted, and continues to adversely impact, the quality of groundwater and surface water in the Region.
15. Most of the CAFOs in the Region overlie the Chino North Groundwater Management Zone and several groundwater management zones in the San Jacinto River Basin. All of these groundwater management zones lack assimilative capacity for TDS and nitrate-nitrogen discharges from CAFOs.
16. For groundwater management zones without assimilative capacity, salt inputs that exceed the water quality objectives for these management zones cannot be allowed (State Water Resources Control Board Order No. 73-4, the Rancho Caballero decision). To meet the water quality objectives in the Chino North Groundwater Management Zone and the groundwater management zones in the San Jacinto River Basin, the discharge of manure and other animal wastes, such as process wastewater, and their application as fertilizer and irrigation water, must be controlled to prevent further exceedance of water quality objectives. Salt discharges in excess of water quality objectives can only be allowed if the impacts of additional salt inputs are offset.
17. The Chino I Desalter, located in the Chino Basin, began operation in August 2000. The Chino I Desalter produces about 8 million gallons per day (mgd) of product water and is removing an average of about 14,500 tons of salt per year from the Chino Basin. Kaiser Steel is receiving credit for 4,000 tons of this salt per year as an offset for past salt discharges to the Chino Basin. The remainder of the salt being removed by the Chino I Desalter (about 10,500 tons per year) has been allocated to offset salt loads resulting from ongoing discharges of dairy process wastewater, including the percolation of rainfall runoff from corrals and rainfall runoff from temporary manure stockpiles. Therefore, the discharge of process wastewater to land within the Chino Basin can continue.

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<sup>1</sup> *Process wastewater means water directly or indirectly used in the operation of the AFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other AFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding.*

18. No offset program is in place, nor has yet been proposed, to offset the salt contained in ongoing discharges of manure and process wastewater from CAFOs to groundwater management zones not having assimilative capacity in the San Jacinto River Basin. Therefore, the discharge of manure and other animal wastes, such as process wastewater, and the application of manure as fertilizer and irrigation water from existing CAFOs in the San Jacinto Basin cannot be allowed.
19. Discharges of storm water from the dairies within this Region may impact the Santa Ana River, Reach 3, Chino Creek, Cucamonga Creek/Mill Creek, Lake Elsinore and Canyon Lake. These surface waters are listed as impaired in accordance with provisions of Section 303(d) of the CWA. Canyon Lake is impaired due to pathogens and nutrients, Lake Elsinore is impaired due to nutrients, toxic constituents and sediment, the Santa Ana River, Reach 3, is impaired due to pathogens, and Chino Creek and Cucamonga/Mill Creek are impaired due to pathogens and nutrients. Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed waterbodies for each pollutant of concern. Waste discharges cannot cause or contribute to water quality or beneficial use impairment. With respect to the potential discharges from CAFOs, the pollutants of concern are nutrients and pathogens.

The nutrient TMDLs for Canyon Lake and Lake Elsinore and the pathogen TMDLs for the Santa Ana River, Reach 3, Chino Creek and Cucamonga Creek/Mill Creek are scheduled for Regional Board approval in late 2004. The Canyon Lake pathogen TMDL is scheduled for Regional Board approval in early 2005. Cucamonga Creek/Mill Creek nutrient TMDLs are scheduled for Regional Board approval in 2011. These TMDLs, will specify wasteload and load allocations for all significant sources of pollutants causing impairment. This is expected to include wasteload allocations for CAFOs within this Region. These TMDLs will also specify an appropriate implementation plan that may include provisions for offset or pollutant trading. Therefore, this Order will be reopened to include requirements necessary to implement the adopted TMDLs.

20. For coverage under this general permit, a discharger must submit a completed Notice of Intent form (NOI) (see Attachment "A" of this Order) together with other information required in Section F. "APPLICATION REQUIREMENTS," and receive discharge authorization from the Executive Officer. If the proposed discharge meets the requirements of this general permit, the Executive Officer will provide the discharger with a written authorization to initiate the discharge. If not, an individual NPDES permit will be developed for consideration by the Regional Board.
21. The Executive Officer of the Regional Board or the Regional Administrator of the USEPA may require any person authorized to discharge wastes by this general permit to

subsequently apply for and obtain an individual NPDES permit. Any interested person may petition the Executive Officer or the Regional Administrator to take action in accordance with this finding. Cases where an individual NPDES permit may be required include the following:

- a. The discharger is not in compliance with the conditions of this Order or the discharge authorization letter from the Executive Officer;
  - b. Effluent limitation guidelines are promulgated for point sources covered by the general NPDES permit;
  - c. Changes to the Basin Plan containing requirements applicable to such point sources are approved;
  - d. The requirements of 40 CFR 122.28(a) are not met; or
  - e. The discharge may adversely affect the water quality objectives of the receiving water.
22. The Regional Board recognizes the need to consider any unique factors relating to a discharger. In order to address any unique factors applicable to a particular discharger or discharge, it may be necessary for the discharger to apply for an individual NPDES permit in accordance with Section 13376 of the California Water Code.
23. On June 8, 1989, pursuant to 40 CFR 122.28, the State Water Resources Control Board (hereinafter, State Board), applied to the USEPA for revisions of its NPDES program in accordance with 40 CFR 123.62 and 403.10. The application included a request to add general permit authority to its approved NPDES program. On September 22, 1989, USEPA, Region IX, approved the State Board's request and granted authorization for the State's issuance of general NPDES permits.
24. The Regional Board has considered antidegradation pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, and finds that these discharges are consistent with the State and Federal regulations, as long as appropriate salt offset programs are implemented.
25. In accordance with Water Code Section 13389, the issuance of waste discharge requirements for these discharges is exempt from those provisions of the California Environmental Quality Act contained in Chapter 3 (Commencing with Section 21100), Division 13 of the Public Resources Code.
26. The Regional Board has notified interested agencies and persons of its intent to issue general waste discharge requirements for discharges of wastes from CAFOs, and has provided them with an opportunity to submit their views and recommendations.

27. The Regional Board, in a public meeting, heard and considered all comments pertaining to discharges of wastes from CAFOs proposed to be regulated under the general waste discharge requirements.

IT IS HEREBY ORDERED that, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended, and regulations and guidelines adopted thereunder, dischargers, their agents, successors, and assigns, discharging wastes from CAFOs shall comply with the following:

**A. DISCHARGE SPECIFICATIONS:**

1. The discharger shall design, construct and maintain containment structures to retain all wastewater within their facilities, including all process wastewater and all precipitation on, and drainage through, manured areas resulting from rainfall up to and including a 25-year, 24-hour rainfall event.
2. The discharger shall develop and fully implement an Engineered Waste Management Plan (EMWP) acceptable to the Executive Officer and prepared in accordance with the Guidelines for the Development of Engineered Waste Management Plans for Concentrated Animal Feeding Operations (Dairies and Related Facilities), February 2001 (see Attachment "B" of this Order). The EMWP shall be developed by a registered professional engineer, or other qualified individual. The Executive Officer is hereby authorized to make necessary revisions to the guidelines for the preparation of an EWMP outlined in Attachment "B". Upon completion of the EWMP implementation, the discharger shall submit a certification from the engineer who prepared the EWMP that all facilities have been constructed as specified in the EWMP.
3. Whenever precipitation causes an overflow of manure, litter, or process wastewater, pollutants in the overflow may be discharged into U.S. waters provided:
  - a. The production area<sup>2</sup> is designed, constructed, operated and maintained to contain all manure, litter, and process wastewater including the runoff and the direct precipitation from a 25-year, 24-hour rainfall event; and
  - b. The production area is operated in accordance with the following measures and records as required by 40 CFR 412.37(a) and (b):

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<sup>2</sup> *Production area means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste confinement areas.*

- 1) All inspection records shall be maintained in accordance with the requirements specified in section A.1. of Monitoring and Reporting Program No. R8-2004-0055.
  - 2) All open surface liquid impoundments shall have a depth marker that clearly indicates the minimum capacity necessary to contain the runoff and direct precipitation of the 25-year, 24-hour rainfall event.
  - 3) Any deficiencies found as a result of the routine inspections shall be corrected as soon as possible.
  - 4) Mortalities shall not be disposed of in any liquid manure or process wastewater system, and shall be handled in such a way as to prevent the discharge of pollutants to surface water.
4. Retention ponds and manured areas at CAFOs in operation on November 27, 1984, shall be protected from inundation or washout by overflow from any stream channel during 20-year peak stream flows. Facilities existing before November 27, 1984 that are protected against 100-year peak stream flows shall continue to provide such protection. New facilities (built after November 27, 1984) shall be protected from 100-year peak stream flows.
  5. No containment structures shall be constructed of manure, and manure shall not be used to improve or raise existing containment structures.
  6. Disposal of manure to land is prohibited, unless allowed by separate waste discharge requirements issued by the Regional Board.
  7. Manure applied to cultivated cropland outside of any area that may affect a groundwater management zone lacking assimilative capacity shall not exceed agronomic rates and shall be incorporated into soil immediately after application, or appropriate containment controls (based upon the specific crop grown) shall be provided. For any application of manure to cropland in excess of 12 dry tons per acre per year (or 17.5 tons per acre per year @ 33% moisture), an explanation of the type of crop and the number of times it is harvested per year shall also be included in an annual report.
  8. Manure, litter, and process wastewater shall not be applied closer than 100 feet to any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface or ground waters.
  9. Manure removed from the corrals shall be removed from the facility within 180 days. Any manure remaining at the facility after 180 days of being removed from the corrals is considered to be disposal of manure and is prohibited in accordance with Discharge

Specification A.6. A manifest of the manure hauled away shall be prepared and submitted with an annual report in accordance with Monitoring and Reporting Program No. R8-2004-0055. The discharger shall be responsible for active management of legal disposal of manure from the property over the six month period following removal of the manure from corrals. This means that legal disposal must be coordinated with periods of rainfall such that manure can be removed from the facility within 180 days of being scraped from corrals.

10. On two designated “clean days” per calendar year, facilities subject to this Order shall be free of all stockpiled manure that has been removed from corrals. The two “clean days” shall be at least four months apart. Each “clean day” shall be identified and reported to the Regional Board office at least five working days in advance of the selected date.
11. Mortalities (dead animals) shall be handled in accordance with the requirements specified in Discharge Specification A.3(b)(4).
12. All surface drainage from outside of the facility (such as, but not limited to, from streets or neighboring property) shall be diverted away from any manured areas. In the case that this drainage comes in contact with any manured areas, it shall be fully contained on site.
13. Chemicals and other contaminants handled on-site shall not be disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
14. Upon ceasing operation at the facility, the discharger shall demonstrate to the satisfaction of the Executive Officer that there is no remaining potential for a discharge of manure, litter or associated process wastewater that was generated while the operation was a CAFO, other than agricultural storm water from land application areas.

## **B. PROHIBITIONS**

1. The discharge of process wastewater to property not owned or controlled by the discharger, except as authorized by this Order, is prohibited.
2. The application of manure, including the use of manure as a fertilizer, in any area that may affect a groundwater management zone lacking assimilative capacity is prohibited unless a plan, acceptable to the Executive Officer, is implemented which offsets the effects of that use on the underlying groundwater management zone.
3. All animals within a CAFO facility shall be prohibited from having direct contact with waters of the United States.

4. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

**C. PROVISIONS:**

1. The discharger shall comply with Monitoring and Reporting Program No. R8-2004-0055.
2. Neither the treatment nor the discharge of wastes shall create, or threaten to create, a nuisance or pollution as defined by Section 13050 of the California Water Code.
3. This Order shall serve as a general NPDES permit pursuant to Section 402 of the Federal CWA or amendments thereto. The general permit shall become effective 10 days after the date of its adoption provided the Regional Administrator of the USEPA has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.
4. This Order expires on December 17, 2009. However, coverage under the permit shall continue in force and effect until a new Order is issued for those dischargers who are authorized to discharge under the terms and conditions of the Order, and who submit a renewal application at least 180 days prior to the December 17, 2009 expiration date.
5. Order No. 99-11 is hereby rescinded.
6. The Executive Officer shall determine whether the proposed discharge is eligible for coverage under this general permit, after which, the Executive Officer may;
  - a. Authorize the proposed discharge by transmitting a discharge authorization letter to the discharge proponent (now an "authorized discharger") authorizing the discharge under the conditions of this Order and any other conditions consistent with this Order that are necessary to protect the beneficial uses of the receiving waters; or,
  - b. Require the discharge proponent to obtain an individual NPDES permit prior to any discharge to surface waters within the Santa Ana Region.
7. All discharges from the facility shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to storm drain systems or other courses under their jurisdiction.
8. The discharger shall comply with all Federal, State, County and local laws and regulations pertaining to the discharge of wastes from the facility.

9. The discharger shall cease the use of manure as a fertilizer in the San Jacinto River Basin unless a plan acceptable to the Executive Officer to offset the impacts of any manure applied as a fertilizer has been implemented. Compliance with this Provision shall be achieved in accordance with the following time schedule:

<b>Task</b>	<b>Compliance Date</b>
<ul style="list-style-type: none"><li>• Submit a conceptual Work Plan to offset the impacts of manure applied as fertilizer in the San Jacinto River Basin</li></ul>	June 17, 2005
<ul style="list-style-type: none"><li>• Submit a final Work Plan and proposed time schedule for approval by the Executive Officer</li></ul>	Three months following the Executive Officer's written acceptance of the conceptual Work Plan
<ul style="list-style-type: none"><li>• Implement the final Work Plan in accordance with the time schedule approved by the Executive Officer</li></ul>	Three months following the Executive Officer's written acceptance of the final Work Plan and proposed time schedule
<ul style="list-style-type: none"><li>• Cease land application of manure except as noted in an offset approved by the Executive Officer</li></ul>	December 17, 2007

10. The discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood of adversely affecting human health or the environment
11. Following a storm event, the discharger shall restore the wastewater holding capacity of retention ponds in a timely manner.
12. The requirements prescribed herein do not authorize the commission of any act causing injury to the property of another, nor protect the discharger from liabilities under Federal, State, or local laws, nor guarantee the discharger a capacity right in the receiving waters.
13. This Order does not convey any property rights of any sort, or any exclusive privilege.
14. An authorization to discharge wastes under this Order is not transferable to any person without written authorization from the Executive Officer.

15. The discharger shall comply with all requirements of this Order and, in addition, all terms, conditions, and limitations specified in the discharge authorization letter issued by the Executive Officer.
16. Any permit noncompliance constitutes a violation of the CWA and the California Water Code and is grounds for enforcement action; for permit or authorization letter termination, revocation and reissuance, or modification; for the issuance of an individual permit; or for denial of a renewal application.
17. The provisions of this Order are severable, and if any provision of this Order, or the application of any provisions of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order shall not be affected thereby.
18. It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
19. Compliance determination with the terms of this Order shall be based on the following:
  - a. Periodic inspections by Regional Board staff;
  - b. Evaluation of the Annual Report of Animal Waste Discharge and Annual Summary Report of CAFO Storm Water Management Structure Inspections submitted according to the attached monitoring and reporting program; and
  - c. Any other information deemed necessary by the Executive Officer.
20. The Regional Board, USEPA, and other authorized representatives shall be allowed:
  - a. Entry upon premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this general permit;
  - b. Access to copy any records that are kept under the conditions of this general permit or pertaining to the permitted business activity;
  - c. To inspect any facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this general permit; and
  - d. To photograph, sample, and monitor for the purpose of assuring compliance with this general permit, or as otherwise authorized by the CWA.

**C. PERMIT REOPENING, REVISION, REVOCATION, AND RE-ISSUANCE:**

1. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal CWA, or amendments thereto, the Regional Board will revise and modify this Order in accordance with such standards.
2. This Order may be reopened to address any changes in State or Federal plans, policies or regulations that would affect the quality requirements for the discharges.
3. This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by a discharger for modification, revocation and reissuance, or termination of this Order or a notification of a planned changes or anticipated noncompliance does not stay any permit condition.

**D. PENALTIES:**

1. The CWA provides that any person who violates a provision implementing sections 301, 302, 306, 307, or 308 of the CWA is subject to a civil penalty not to exceed \$11,000 per day of such violation. Any person who willfully or negligently violates provisions implementing these sections of the CWA is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.
2. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$11,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
3. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$11,000 per violation, or by imprisonment for not more than six months per violation, or by both.
4. The California Water Code provides that any person who violates a waste discharge requirement or a provision of the California Water Code is subject to civil penalties of up to \$5,000 per day, \$10,000 per day, or \$25,000 per day of violation, or when the violation involves the discharge of pollutants, is subject to civil penalties of up to \$10 per gallon per day, or \$20 per gallon per day of violation; or some combination thereof, depending on the violation, or upon the combination of violations.

**E. REQUIRED REPORTS AND NOTICES:**

**1. Reporting Provisions:**

- a. All applications, annual reports, or information submitted to the Regional Board shall be signed and certified in accordance with 40 CFR 122.22.
  - b. Any discharger authorized to discharge wastes under this Order shall furnish, within a reasonable time, any information the Regional Board or USEPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating their authorization or this general permit. The discharger shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
  - c. Except for data determined to be confidential under Section 308 of the CWA, all reports prepared in accordance with the terms of this general permit shall be available for public inspection at the offices of the Regional Water Quality Control Board and the Regional Administrator of the USEPA. As required by the CWA, effluent data shall not be considered confidential. Knowingly making any false statements on any such report may result in the imposition of criminal penalties as provided for in Section 309 of the CWA and Section 13387 of the California Water Code.
2. The discharger shall notify the Regional Board by telephone within 24 hours of any unauthorized discharge of wastes from the facility. This notification shall be followed by a written report including the following:
- a. The approximate date and time of the discharge;
  - b. The volume and duration of the discharge;
  - c. The cause of the discharge; and
  - d. A time schedule and a plan to implement necessary corrective actions to prevent the recurrence of such discharges.
3. The discharger shall report promptly in writing to the Regional Board of any changes or proposed changes in:
- a. The control, ownership, operation or location of the facility;
  - b. The character, location, volume or disposal methods of waste discharges; and
  - c. The size of the animal population, if it increases beyond the design capacity of the facility specified in the EWMP.

4. The discharger shall give advance notice to the Regional Board of any planned changes in the permitted facility or activity that may result in noncompliance with this general permit.

**F. APPLICATION REQUIREMENTS:**

1. Dischargers previously authorized to discharge wastes under Order No. 99-11 are automatically enrolled under this Order, unless they file an application to be covered under an individual permit.
2. Dischargers who have submitted a NOI to discharge wastes, under Order No. 99-11, but have not received an authorization to discharge those wastes, will be covered under Order No. R8-2004-0055 upon receipt of the authorization by the Executive Officer.
3. Dischargers not previously authorized to discharge wastes under Order No. 99-11 are required to submit the following within 60 days of the effective date of this Order for existing discharges and at least 60 days before the start of any new discharge:
  - a. A completed NOI Form (see attachment "A" of this Order) with the appropriate filing fee;
  - b. An EWMP for the facility, acceptable to the Executive Officer and prepared in accordance with the Guidelines for the Development of Engineered Waste Management Plans for Concentrated Animal Feeding Operations (Dairies and Related Facilities), February 2001 (see Attachment "B" of this Order);
  - c. If an acceptable EWMP has not been developed or an accepted EWMP is not consistent with the dairy operation, the discharger must submit the name of the engineer, or other qualified individual, who will develop the EWMP, and a draft, or revised, EWMP within 90 days from the Executive Officer's authorization to discharge; and
  - d. Any other information deemed necessary by the Executive Officer.

If the proposed discharge meets the requirements of this Order, the Executive Officer will provide the discharger with a written authorization to discharge wastes in accordance with these waste discharge requirements.

4. The following types of facilities are generally not required to obtain authorization under this Order. Such facilities must not discharge wastes which may affect water quality, or cause a nuisance or pollution as defined in Section 13050 of the California Water Code.
  - a. Dairies where the animal population is less than 20 (dry or milking cows).

- b. Heifer or calf ranches where the herd size is less than 50.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on December 17, 2004.

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Gerard J. Thibeault  
Executive Officer